

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
AUGUST 27, 2013 – 6:00 P.M.  
NEW CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor  
Presiding

Also Present:  
Bryan Long, City Manager  
Tim Wilson, Acting City Attorney  
Traci Hushbeck, City Clerk  
COL Glenn Waters, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Kim Shahan, Parks and Recreation Director, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One  
Keith Jackson, Ward Two  
Rosemary Bellino-Hall, Ward Three  
Dwight Tanner, Jr., Ward Five  
Richard Zarle, Ward Six  
Stanley Haywood, Ward Seven

ABSENT:

Jay Burk, Ward Four

STATE OF THE CITY ADDRESS BY MAYOR FRED L. FITCH

Mayor Fitch read highlights from the State of the City speech. The entire speech is posted on the website and on file in the City Clerks Office.

EMPLOYEE SPOTLIGHT PRESENTATION TO CINDY EHLERS (ENGINEERING),  
CINDY AUGUSTINE (PLANNING) AND ROBERT TORRES (MCMAHON AUDITORIUM)

Mayor Fitch and Bryan Long recognized Cindy Ehlers from Engineering Division, Cindy Augustine from Planning Division and Robert Torres from McMahon Auditorium.

AUDIENCE PARTICIPATION:

Patty Neuwirth, 715 Heinzwood Circle, stated she and many members of the Friends of the Library are in attendance to discuss the library. She stated the capital outlay for the library was originally \$45,000 and it was zeroed out sometime before final adoption of the budget. She does not believe the council and manager realized that this had happened. The impact is catastrophic to the library. Because of the reduced support last year the State of Oklahoma cut their funding

and they lost \$50,000 in state money and they are in jeopardy of losing it again this year. All of their programs have grown and in the fiscal year of 2012-2013 they had 83,390 people using the computers in the library. To combat the devastation of the budget the Friends of the Library immediately donated \$5,000 to try and pay some things that had to be paid. They do not have the resources to fund the library budget, but they have had three book sales instead of one and they are writing grants as well as working their booth at the International Festival. Everything they raise goes directly back to the library for their programs. They have started a program where anyone can adopt a magazine subscription for a year. There is a list on the city website. They are going to institute an annual Friends fund drive. In fiscal year 2011 staff sat down to decide how to fund the new cataloging software that they instituted in the library. Staff agreed to a reduction of \$41,000 in the capital outlay budget but it was to be restored the next year, but it never did get restored. They have been operating under a reduced budget for three years. She stated the annual funds from the county have not come in to the city which runs around \$50,000. They are asking that when that money becomes available, they consider putting that in the book budget for the library. She stated the City Manager has been trying to help them out and they will continue to hold fundraising events because they do not want to take the chance of losing state funding again next year.

Tristan Wright stated he and Jamar Lockhart are here to thank the city for their support for the Project X Festival. He stated approximately 1,100 people attended the event at the skate park on 38<sup>th</sup> Street. The event lasted for five hours with no fights.

Jamar Lockhart presented a check to Councilmember Bellino-Hall as a representative of Lawton Enhancement Trust Authority.

Bellino-Hall stated this donation will go towards the new skateboard park they are trying to develop in Lawton. She stated they wanted to see the community become involved and start off the donations. She went to the McMahon Ball Park the Sunday after this event and she said everything was cleaned up and that was amazing to her.

Karen Earl, 619 SW 24<sup>th</sup> Place, stated they have lived at this home for thirty years and every year they have had flooding problems during heavy rains. She stated the ditch has been dug deeper or cleaned out but there has never been anything permanent done. The ditch running east and west parallel to the co-op does not have a proper incline to meet with the storm drain and it is always overgrown with weeds. She stated the ditch is city property and it does not get proper maintenance. She stated SW 25<sup>th</sup> Street is above her property level and in heavy rain the water runs from 27<sup>th</sup> Street into her back yard and then out her front yard. In July part of her home flooded and for them to remove all the water cost \$2,200. Her insurance would not pay. She requested the City clear the area or designate her home in a flood zone so they are eligible to buy flood insurance.

Ray Earl, 619 SW 24<sup>th</sup> Place, stated fifteen years ago he put a wooden fence around his property and on the bottom he put a 2' x 12' to anchor the fence. The water comes up over the 2' x 12' enough to flood his property and into his home.

Mayor Fitch requested that Mr. and Mrs. Earl leave their contact information with the City Clerk so that staff can look into the issue.

CONSENT AGENDA:

Jackson requested item #6 be discussed separately.

MOVED by Jackson SECOND by Haywood to approve the consent agenda with the exception of item #6. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Leah Stout in the amount of \$1,064.29 (**Res. 13-50**), John and Cheryl Cramer in the amount of \$75.00 and Thomas and Patricia Dolan in the amount of \$9,370.80 (**Res. 13-51**). Exhibits: Legal Opinions/Recommendations, Resolution No. 13-\_\_\_ and Resolution No. 13-\_\_\_\_.
2. Consider approving the Retainer Agreement for Professional Services with Fidelis Group, LLC, to provide professional investigative services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk's Office.
3. Consider approving contract with AXB Productions, Inc. (Arbuckle Xpress Band) to perform at the 2013 International Festival and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Contract on file in City Clerk's office.
4. Consider declaring surplus ten (10) bullet proof vests to be sold by the Lawton Police Department to Cache Police Department. Exhibits: Letter from Cache Police Chief Donna Kimmel.
5. Consider accepting the waterline, left turn lane, easements and maintenance bond to serve Aldi's Food Market located at 935 NW Sheridan Road. Exhibits: Location Map Easements and Maintenance Bond on file in the City Clerk's office.
6. Consider approving the record plat and accepting the onsite and offsite improvements, escrow agreement for minor incomplete improvements and maintenance bonds for Lawton Marketplace. Exhibits: Plat Map. Maintenance Bonds and Escrow Agreement on file in City Clerk's Office.

Richard Rogalski, Community Services Director, stated there was a point of confusion with the contractor and one of the maintenance bonds did not come in today. Staff is requesting the council approve the record plat and accept it subject to the bond for a traffic signal in the amount of \$28,797.90.

MOVED by Wells SECOND by Jackson to approve the record plat and accept the onsite and offsite improvements, escrow agreement for minor incomplete improvements and maintenance bonds for Lawton Marketplace subject to receipt of a properly executed maintenance bond for the traffic signals in the amount of \$28,797.90. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

7. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 806 linear feet of 8-inch PVC waterline and all appurtenances to serve McMahon Tomlinson Skilled Nursing Facility located at 2007 NW 52<sup>nd</sup> Street in the SW/4 of Section 22, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk's Office.
8. Consider approving the 2013 Functional Classification Map for streets within the Lawton Metropolitan Area Transportation Study Area. Exhibits: Proposed 2013 Functional Classification Map.
9. Consider setting a date to hold a public hearing to close 5 feet of the 25-foot utility easement on Lot 27, Block 6, Heritage Hills Addition, Part 2, addressed as 1608 NE 31<sup>st</sup> Street. Exhibits: Application, Location Map, Mortgage Inspection Certificate and Council Policy 5-1.
10. Consider accepting the Landfill Gas Collection & Control System Project #2011-2 as constructed by Landmarc Environmental Systems LLC and placing the Maintenance Bond into effect. Exhibits: None.
11. Consider awarding a construction contract to Archer Western Construction, LLC for the construction of the Medicine Park Water Treatment Plant Clearwell Rehabilitation Project #2013-06. Exhibits: Contract Documents/Bid Tab. on file at the Public Works Admin. Office.
12. Consider granting a permanent easement to Public Service Company for construction, operation, maintenance, reconstruction and removal of electrical line and structures pump station and associated pipe lines in the Southwest Quarter (SW/4), Section 28, Township 1 North, Range 11 West of the Indian Meridian Comanche County, Oklahoma. Exhibits: Location Map. Easement on file in City Clerk's Office.
13. Consider approving an Agreement between the City of Lawton and Mr. Felix West, Jr. obligating the City to pay to Mr. West, Jr. \$1,062.00 for the City's portion of residential driveway replacement located at 7806 NW Welco Avenue which was demolished in the course of completing a City waterline replacement project, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Proposed Agreement between the City of Lawton and Mr. West, Jr.
14. Consider extending contract (CL13-009) Sodium Hypochlorite with FSTI, Inc. of Austin, TX. Exhibits: Department Recommendation, Contract Extension Form, Price Bid Sheet.

15. Consider canceling (CL13-007) Mowing NW 52<sup>nd</sup> St. from Hwy 62 to Rogers Lane; NW 67<sup>th</sup> St. from Hwy 62 to Rogers Lane; NW 67<sup>th</sup> St. from Gore Blvd to Lee Blvd; NW 82<sup>nd</sup> St from Rogers Lane to Stonegate bridge to LC Lawn Care of Altus, OK. Exhibits: Letter from vendor.
16. Consider extending contract (CL13-007) Mowing Cache Rd. Medians from NW 46<sup>th</sup> St. to one block East of 6<sup>th</sup> St. R.O.W. – North and South Side with Teen Challenge of Cache, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Bid Sheet.
17. Consider extending contract (CL12-006) Sulfuric Acid with Brenntag Southwest of Lancaster, TX. Exhibits: Department Recommendation, Contract Extension Form, Price Bid Sheet.
18. Consider extending contract (RFPCL12-002) Copier Contract with Bennett Office Equipment of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Bid Sheet.
19. Consider extending contract (CL12-007) Liquid Oxygen with Airgas USA, LLC of Tulsa, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Bid Sheet.
20. Consider extending contract (CL12-041) Concrete Repair with A.E. Construction of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Bid Sheet.
21. Consider rejecting all proposals on (RFPCL14-002) Animal Shelter Management Software & Support. Exhibits: Department recommendation.
22. Consider awarding (CL14-004) Concrete Drainage Structures Items 2 - 5 to Hanson Pipe & Precast of Oklahoma City, OK. Exhibits: Department recommendation, Price Bid Sheet, Abstract of Bids.
23. Consider awarding (CL14-004) Concrete Drainage Structures Item 1 to J & G Concrete Products, LP of Waxahachie, TX. Exhibits: Department recommendation, Price Bid Sheet, Abstract of Bids.
24. Consider extending contract (CL13-008) Cement Kiln Dust with Silver Star Construction of Moore, OK. Exhibits: Department Recommendation, Contract Extension Form, Price Bid Sheet.
25. Consider approving appointments to boards and commissions. Exhibits: None.
26. Consider approval of payroll for the periods of August 5 - 18, 2013.

NEW BUSINESS ITEMS:

27. Discussion, presentation and possible action concerning certain project funding changes that were not originally adopted within the initial 2009 Sales Tax Agreement between the City of Lawton and the Lawton Public School District. Exhibits: Letter to Mr. Bryan Long, City Manager from Mr. Tom Deighan, Superintendent, dated 19 July, 2013 concerning the official notice of School Board approved changes to initial expenditure items funded through the original 2009 Sales Tax Agreement.

Tom Deighan, Superintendent of Lawton Public Schools, thanked the council for this opportunity on behalf of Lawton Public Schools (LPS) and the Board of Education. As the new Superintendent of Lawton Public Schools, he has been aware of the opportunities for cities and school districts to intercollaborate. He is speaking of the 2009 sales tax proposal. He stated he is here for two purposes, one is to inform the council about the current status of the proposal and the second is to thank the council and the community for their incredible generosity in this process.

(Mr. Deighan distributed a packet to council which included a letter which reflected the changes the board and the district have made in construction projects on the sales tax proposal, and a month by month tally of all the revenues received by LPS through the sales tax. He presented a slide presentation which is on file in the City Clerk's office).

Wells stated Lawton is a wonderful community and Central Junior High was also built with sales tax funding.

Wilson stated a concern the City Attorney's office had when they saw the initial letter is that it discussed an access road for the Eisenhower Middle School and looking at the original ordinance that the council approved they had some concern that one project may not fit and he noticed the report showed that project is on hold. Staff has no problem with the council voting to accept the presentation but would ask that they not accept the Eisenhower Middle School access road until they have more time to look at this project. He has spoken with Chuck Wade, the attorney for the school board.

MOVED by Haywood SECOND by Wells to formally accept this presentation and enter the discussed changes, with the exception of the access road for the Eisenhower Middle School, and to accept the July 19, 2013 letter into the official City record in order to satisfy the purpose and intent of the 2009 Sales Tax Agreement between the involved parties. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

Wells stated that former Attorney General Drew Edmondson, AG opinion six, 2003, stated that sales tax can be used for anything that the school systems needed provided the ballot is written properly. For the future they need to cover whatever they need covered.

28. Consider authorization for the Museum of the Great Plains/Institute of the Great Plains' Research Archaeologist to secure a portion of Elmer Thomas Park as a designated archaeological dig site for the purpose of excavation and education in cooperation with

Cameron University and the City of Lawton. Exhibits: Picture of site on file in the City Clerk's office, with description of bone and report from the Research Archaeologist.

Kim Shahan, Parks and Recreation Director, stated this item is sensitive in terms of making a decision on whether or not they would recognize this piece of property as possibly an archaeological dig. He stated they wanted to give the council as much information as possible. This location is not going to impede any recreational activities in the park.

John Hernandez, Director of Museum of Great Plains, stated it is not every day that you find an 8,000 – 10,000 year old bison antiquus and they feel it is important enough to excavate. There may be a possibility of human association with the site, so they feel it needs to be investigated. This will be a collaboration with Cameron University, the City of Lawton, the Museum of the Great Plains and the Institute of the Great Plains. Debra Baker will be the lead archaeologist for the investigation. The site was originally found by three young explorers who are awaiting approval to go in there and start digging. This site is within 100 yards of the museum.

Debra Baker, Research Archaeologist for the City of Lawton, stated they have to worry about security of the site. The more this gets out the more they have to worry about looters. She stated the find is definitely a bison antiquus bone but they do not know how much is under the soil until they are able to lay out grids and bring it down.

Wells questioned how they were going to provide security for the site.

Mr. Hernandez stated they will place a fence around the area and post signs stating if caught a person could be fined.

Wilson stated in going over the agenda the City Attorney mentioned to him that a memorandum of understanding will be prepared so that all the parties will understand their liabilities and their obligations.

Shahan stated this item is to recognize the designation of the property and he will then create that MOU.

MOVED by Wells SECOND by Morford to authorize the Museum of the Great Plains/Institute of the Great Plains' Research Archaeologist to secure a portion of Elmer Thomas Park as a designated archaeological dig site for the purpose of excavation and education in cooperation with Cameron University and the City of Lawton. AYE: Morford, Jackson, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

29. Discuss and consider adopting a resolution declaring a moratorium on City Council Policy No. 6-4 which provides that a process for cost sharing with the City of Lawton for new fire hydrant installation and/or public water main improvements that are required for public safety and to meet current development standards in areas with existing commercial development. Exhibits: Copy of Council Policy No. 6-4 and Copy of Resolution 13-\_\_.

Rogalski stated this has been a good policy and it has been very successful over the years. This policy provides a way for the city to cost share when developers are required to put in fire safety in an existing area in the city where our system is deficient. It provides for cost of materials up to \$10,000. He stated the original funding for this policy was the 2008 CIP and the funding has been all used up and there was no funding allocated in this years budget. Staff either needs to find funding or suspend the policy for a period of time.

Mayor Fitch stated this policy will be suspended until we are able to find some funding and then it can be reinstated.

Wells questioned if this is suspended, are they going to put a moratorium on enforcing new city code that requires those hydrants.

Rogalski stated they would not recommend that, these are life saving improvements.

MOVED by Jackson SECOND by Zarle to adopt **Resolution 13-52** declaring a moratorium on City Council Policy No. 6-4. AYE: Morford, Jackson, Bellino-Hall, Zarle, Haywood, Wells. NAY: Tanner. MOTION CARRIED.

30. Consider approving an Ordinance amending language in Division 6-1-1, Lawton City Code, 2005, relating to building permits and associated inspections, clarifying the different permit types, establishing certain requirements, referencing the revised fee schedule, and establishing an effective date. Exhibits: Ordinance No. 13-\_\_.

Rogalski stated during the budget process staff was asked to look at our permit fees to make sure that we were adequately covering staff costs to do the review, monitoring and inspections. At the June 25<sup>th</sup> council meeting staff brought a resolution to change the numbers but council felt it needed more work. Councilmembers Wells, Burk and Morford were put on a committee to work on this issue. These code changes not only support the fees to cover the costs to provide these services but it also changes the way we do business. It makes these fees much more user friendly to the contractors.

(Rogalski distributed an informational packet. The packet is on file in the City Clerk's office)

Rogalski stated they are not trying to require more permits, but they are cleaning up the language to match the International Building Code and they are referencing the fee schedule to show how the fees are collected. It is extremely complex and the committee worked very hard on this issue. He feels this is a good code. Also as part of this code they added that contractors must display their license on their vehicles. This will help protect the public from unlicensed contractors and helps us enforce the requirement of licensing.

Tanner stated after reading the requirements of doing certain repairs to your property, he was concerned that he would be unable to do any of his own repairs or is he going to have to get a permit every time he wants to do something.



Rogalski stated this code does not require any more than the 2006 International Building Code and the 2009 International Residential Code. He stated as part of the packet there is a list of items put out by the state that do not require a licensed contractor.

Tanner stated there are a lot of people who do their own repairs. There is just so much in the code and people feel the City is micromanaging what they can and cannot do.

Doug Wellhouse, Code Supervisor, stated the requirements that are exempt from the building code are the same requirements that have been in the building code since 2000. There have been no changes on the exemption status that is required for a permit. With the state adoption of these codes we are obligated to send the state a \$4.50 permit fee based on the adoption of these codes and what requires a permit. We cannot do anything less than what the state requires.

Tanner stated he just wants to know that he can change a ceiling fan or a busted pipe.

Wellhouse stated there are a lot of requirements in the residential code that are out now that a simple plug change will not meet that requirement.

Tanner stated he is looking for a user friendly atmosphere.

Wellhouse stated we are obligated to what the state has.

Long stated we have to enforce the code that is pushed upon us by the state, but we are also here as a service entity and staff will be happy to talk to citizens and walk them through the requirements.

Tanner stated it is a hassle to have to ask someone permission to do something to your property.

Wells stated a lot of people who know how to do things would not even think about needing a permit. You can do it without a permit if you know how, but understand you could end up losing out on insurance if something goes wrong.

Mayor Fitch stated city codes are there to protect the citizens and keep them from harm. He has confidence in what has been done with these codes.

Tanner stated there was a time when he had to do these things on his own and there are a lot of citizens out there that have to do these things themselves and he hates the idea that they are basically breaking the law. He stated with the dilapidated structures you get a permit for reconstruction, remodel and repair, but it expires in thirty days. He questioned how you could fix something that quickly.

Mayor Fitch stated it would expire if you took no action. If you wait six months to start the work you will have to get a new permit.

Rogalski stated the code was written this way to make sure people were doing the work on dilapidated structures. They had issues where people were coming in to get a building permit and then doing nothing for months.

Tanner stated if he was reading this right you only get a couple of extensions which is about ninety days.

Wells stated as long as they are working towards those repairs they will keep getting extensions to continue the work. He questioned if there was still a committee that is reviewing these codes to recommend changes. He suggested that the council committee that worked on this issue continue to look at the codes and review the current language.

MOVED by Wells SECOND by Tanner to adopt **Ordinance 13-28**, waive the reading of the ordinance, read the title only, and establishing an effective date. AYE: Morford, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: Jackson. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 13-28

An ordinance pertaining to building, construction and housing, amending Sections 6-1-1-102, 6-1-1-107, 6-1-1-108, 6-1-1-113, and 6-1-1-118, Division 6-1-1, Section 6-1-4-164, Division 6-1-4, Sections 6-1-5-183 and 6-1-5-184, Division 6-1-5, Article 6-1, Section 6-2-2-228, Division 6-2-2, Article 6-2, Section 6-3-2-336, Division 6-3-2, Article 6-3, Section 6-4-2-428, Division 6-4-2, Article 6-4, within Chapter 6, Lawton City Code, 2005, by amending the language regarding the requirements for permits, along with the duration and extension of permits, the fee categories for permits and inspections, the requirements and fees for certificates and temporary certificates of occupancy and completion, and requiring vehicles used during the operation of an electrical, mechanical and/or plumbing business to display their business name and state license number, providing for renumbering, severability and establishing an effective date.

31. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, by amending the fees relating to building permits and associated inspections and establishing an effective date. Exhibits: Resolution No. 13-\_\_.

MOVED by Wells SECOND by Morford to adopt **Resolution No. 13-53** amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, by amending the fees relating to building permits and associated inspections and establishing an effective date. AYE: Morford, Bellino-Hall, Tanner, Zarle, Haywood, Wells. NAY: Jackson. MOTION CARRIED.

#### REPORTS:

Jackson stated they still need to ask the community to mow their lawns and trim their hedges because the grass is growing again and it looks bad.

COL Waters stated they have identified the West Nile virus on post, so cutting lawns and taking care of stagnant water is important this time of year. He stated the federal government completed the furlough period so gates are back to the normal hours. He stated on September 19<sup>th</sup> they will host the Military Retiree Appreciation Day.

Bellino-Hall questioned if people were infected with the virus.

COL Waters stated they put mosquito traps out and that is how it was found, there were no reported cases of anyone being infected.

Bellino-Hall stated this is concerning because there is no treatment for West Nile.

Wells stated he would like to get the council's support to establish a committee to look at the animal ordinance. The ordinance is good but he would like them to look at a policy that protects the community but they want to be citizen friendly. All of our agencies can make exceptions, except the animal shelter, it is black or white and there is no appeal process. He would like to see a committee appointed to look at this.

Jackson stated he would volunteer. Several councilmembers years ago worked diligently for a year putting together the original ordinance, which has been recognized nation wide by other communities and has been adopted around the nation. He does not want to see this ordinance weakened.

Wells stated it is a good ordinance, but he feels there should be an appeal process.

Mayor Fitch appointed Councilmembers Wells, Jackson and Tanner to the committee.

Long stated he had planned on giving the financial report, but asked if the council would like to hold off until the next meeting. This will give the council two weeks to look at the information. He stated the financial report is available on the website and in their drop boxes.

The Mayor and Council convened in executive session at 8:00 p.m. and reconvened in regular, open session at 9:05 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

32. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2013-2014 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #32.

MOVED by Jackson SECOND by Haywood to request interest arbitration with IUPA, Local 24 pursuant to Oklahoma Statutes, Title 11, Section 51-106 and authorize the City Manager to select the City's interest arbitrator. AYE: Morford, Jackson, Bellino-Hall, Zarle, Haywood, Wells. NAY: Tanner. MOTION CARRIED.

33. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case in Comanche County District Court of Jerry Ann Short vs. City of Lawton, CJ-2013-586, and if necessary, take appropriate action in open session. Exhibits: None.

Wilson read the title of item #33. No action was taken.

34. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Bryan Long, City Manager, and if necessary, take appropriate action in open session. Exhibits: None.

Mayor Fitch read the title of item #34. No action was taken.

There being no further business to consider, the meeting adjourned at 9:08 p.m. upon motion, second and roll call vote.

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FRED L. FITCH, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK